

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

JANUARY 23, 2002

IN RE:

**TARIFF FILING BY BELL SOUTH
TELECOMMUNICATIONS, INC. TO
REDUCE GROUPING RATES IN RATE
GROUP 5 AND IMPLEMENT A 3
PERCENT LATE PAYMENT CHARGE**

**DOCKET NO.
00-00041**

**ORDER ACCEPTING AND APPROVING
WITHDRAWAL OF TARIFF**

This docket came before the Tennessee Regulatory Authority ("Authority") at a regularly scheduled Authority Conference held on October 9, 2001 for consideration of the notification from BellSouth Telecommunications, Inc. ("BellSouth") that it was withdrawing the tariff that is the subject of this docket. BellSouth's notification of withdrawal was received subsequent to its filing of a tariff in Authority Docket No. 01-00840, which seeks to implement late payment charges.

On January 21, 2000, BellSouth filed its Tariff to Reduce Grouping Rates in Rate Group 5 and Implement a 3 Percent Late Payment Charge ("the Tariff"). Through the Tariff, BellSouth sought to impose a three percent (3%) late charge on customers' unpaid balances and to reduce the hunting and grouping rates in Rate Group 5.¹ The Authority appointed a Pre-Hearing Officer during an Authority Conference held on February 15, 2000. The Consumer Advocate Division of the Office of the Attorney General and Reporter ("Consumer Advocate") was granted

¹ Rate Group 5 consists of wire centers in the Memphis and Nashville metropolitan areas.

intervention and actively participated in the docket. Over the course of several months, BellSouth and the Consumer Advocate engaged in extensive discovery and briefed issues for determination by the Pre-Hearing Officer. The docket came before the Directors several times for review of the Pre-Hearing Officer's reports and orders and for decisions on certain issues.²

On September 26, 2001, BellSouth filed a letter which stated:

This is to notify the Tennessee Regulatory Authority that BellSouth wishes to withdraw the tariff filed in this docket.

On September 18, 2001, BellSouth filed a tariff to introduce a late payment charge in a separate filing, TRA No. 01-00840. As indicated in that filing, BellSouth intended to withdraw the tariff filed in Docket No. 00-00041 at a later date. Subsequent to that filing, we are electing to withdraw that tariff at this time. Copies of this letter will be served on all parties of record in Docket No. 00-00041.³

During the deliberations at the October 9, 2001 Authority Conference, the Directors questioned both parties regarding the withdrawal. The Consumer Advocate specifically stated that it supported the withdrawal of the Tariff.⁴ Thereafter, the Directors unanimously voted to accept the withdrawal of the Tariff and to take administrative notice of this docket in Docket No. 01-00840.

IT IS THEREFORE ORDERED THAT:


1. The withdrawal by BellSouth Telecommunications, Inc. of the Tariff filed in Docket No. 00-00041 is accepted and approved.


² See *Order on Reconsideration and Outstanding Motions*, entered on December 21, 2001, for a recitation of the history of this case.

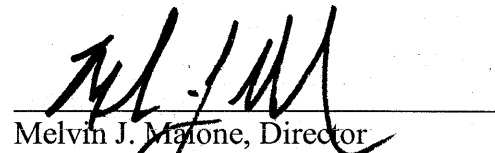
³ Letter of BellSouth to Joe Werner, Chief of Telecommunications Division, dated Sept. 26, 2001 (rec'd. Sept. 26, 2001).

⁴ Transcript of Proceedings, Oct. 9, 2001, p. 12 (Authority Conference).


2. The Authority will take administrative notice of Docket No. 00-00041 in Docket No. 01-00840.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary